IN THE UNITED STATES PATENT AND TRADEMARK OFFICE.

In re A	pplication of:)	
MASA	KI SUZUI	;	Examiner: A. Mai
Applica	ation No.: 10/729,945	;	Group Art Unit: 2832
Filed:	December 9, 2003	;	
For:	ELECTRICAL DEVICE AND METHOD OF PRODUCING THE SAME	;) ;)	November 15, 2006

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

> PETITION UNDER 37 C.F.R. § 1.181 TO WITHDRAW HOLDING OF ABANDONMENT BASED ON NON-RECEIPT OF OFFICE ACTION

Sir:

This is a Petition under 37 C.F.R. § 1.181 to withdraw a holding of abandonment in the subject application. While it is believed that no fee is necessary for this Petition, should a fee be required, the Director is hereby authorized to charge any such fee to Deposit Account No. 50-3939.

The Examiner responsible for the above-identified application contacted Petitioner's representative to inquire whether Petitioner intended to abandon the application, since a response to an Office Action that was mailed on February 28, 2006 has not been received by the Patent Office. The undersigned telephoned the Examiner and informed her that Petitioner never intended to abandon the application and that a cursory review of the case file revealed that Petitioner never received the Office Action

A search of the file jacket and docket records was then undertaken, which confirmed that Petitioner never received the Office Action. The undersigned informed the Examiner of the search results. The Examiner indicated she would issue a notice of abandonment, and suggested Petitioner file this Petition in response, to withdraw the abandonment of this case.

In support of the Petition, the undersigned hereby states that the February 28, 2006 Office Action was not received, and that a search of the file jacket of the above-identified case and of the docket record indicates that the Office Action was not received. In addition, transmitted herewith are copies of the Firm's docket record, attached as Exhibit A. The docket record shows responses due on May 28, 2006, and indicates that no response was due on that date for Application No. 10/729,945, which would correspond to an Office Action with a mailing date of February 28, 2006. Portions of the serial numbers listed in the docket record have been redacted to maintain confidentiality; however, the last few numbers of each serial number remain visible and are circled for easy comparison with the subject application number.

Pursuant to the decision in *Delgar v. Schulyer*, 172 U.S.P.Q. 513 (D.D.C. 1971), as modified by MPEP § 711.03(c)(I)(A), Petitioner hereby petitions under 37 C.F.R. § 1.181 to revive the subject application and respectfully requests a new Office Action be mailed which sets a new period for response that commences from the date on which the new Office Action is mailed.

Petitioner's undersigned attorney may be reached in our Costa Mesa,

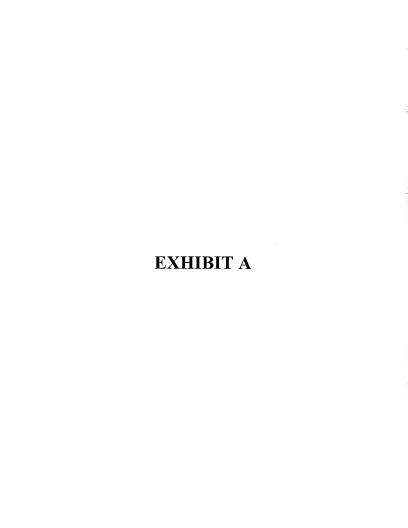
California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Gregory S. Weaver/
Gregory S. Weaver
Attorney for Petitioner
Registration No. 53,751

FITZPATRICK, CELLA, HARPER & SCINTO 30 Rockefeller Plaza New York, New York 10112-3800 Facsimile: (212) 218-2200

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